

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA

Plaintiff

vs

ROSARIO MARTI-LON

Defendant

CRIMINAL 04-045CCC

ORDER

During the direct examination of the last witness presented during the November 2, 2005 trial session, Marta Bouet-Graña, Executive Director of the Certification and Registration Office of Health Professionals, she testified that certificate number 043802174 that appears in Exhibit 85, bates stamps 05 and 012, were the same. She further testified that this number is unique to each certificate and that certificate number 043802174 does not belong to the defendant but, rather, was granted to one Victoria Amilivia Reyes, license number 3328. She expressed that she had brought the Reyes' file and had a copy of her certificate bearing that number (hereinafter the Reyes document).

Defense counsel objected to its introduction in evidence because it was not disclosed in discovery. Assistant U.S. Attorney Ruiz informed that he would not introduce it in evidence but would ask the witness to read the certificate number for Victoria Amilivia Reyes and would ask her to compare the font types on the Reyes document and the certifications for defendant, Exhibit 85, bates stamp 015 and 012. The comparison of the font types would require that the witness consider the text of each of these three documents and state her conclusion as to their similarity or lack thereof. It would also require that the documents be published during the process of comparison. In doing this, the contents of the Reyes' document would be seen and read by the jurors even if it were not introduced into evidence.

Upon re-examining this issue, the Court understands that pursuant to Fed.R.Crim.P. 16(d)(2)(B) a brief continuance of the trial is necessary to allow defendant and her counsel to inspect the Reyes document and fully discuss the same. Assistant U.S. Attorney Ruiz was

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instructed to provide Mr. Rebollo a copy of that document on November 2, 2005 immediately upon adjourning.

Considering that the authenticity of the documents marked as Bates stamps 05 and 012 which are part of Exhibit 85 are in issue, that these are key documents, that these documents were the object of in limine motions, and that the government has just discovered the existence of the Reyes document, the government will be allowed, after the continuance, to have it marked as an ID. and to offer it in evidence upon laying the proper foundation of its authenticity. Any objections to the same will be considered at trial after this.

For the reasons stated above, the Court continues the trial until November 9, 2005 at 10:00 A.M. to provide defendant a reasonable period of time to review the Reyes document before the government introduces it in evidence.

SO ORDERED.

At San Juan, Puerto Rico, on November 2, 2005.

S/ CARMEN CONSUELO CEREZO
United States District Judge